

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PAT99208PCT		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP00/05825	International filing date (day/month/year) 23 June 2000 (23.06.00)	Priority date (day/month/year) 30 June 1999 (30.06.99)	
International Patent Classification (IPC) or national classification and IPC B05D 7/00			
Applicant BASF COATINGS AG			

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input checked="" type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 08 January 2001 (08.01.01)	Date of completion of this report 10 September 2001 (10.09.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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I. Basis of the report

1 This report has been drawn on the basis of (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.):

- ☒ the international application as originally filed.
- ☒ the description, pages 1-59, as originally filed,
pages _____, filed with the demand,
pages _____, filed with the letter of _____,
pages _____, filed with the letter of _____.
- ☒ the claims, Nos. 1-9, as originally filed,
Nos. _____, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. _____, filed with the letter of _____,
Nos. _____, filed with the letter of _____.
- ☐ the drawings, sheets/fig _____, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.

2 The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

3 ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims		YES
	Claims	1-9	NO
Inventive step (IS)	Claims		YES
	Claims	1-9	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following document:

D1: US-A-5 840 372.

- 2.1. Document D1, which is regarded as the closest prior art, discloses (see column 1, lines 7-30, column 2, lines 8 and 22-41; and Examples A and B) a method for producing a multilayer protective and/or decorative coating on a substrate, a pigmented aqueous basecoat containing a polyacrylate resin being applied to a substrate. The polyacrylate resin can be obtained by radically polymerising a mixture comprising monomer (a) (furfuryl acrylate and/or furfuryl methacrylate and, for example, hydroxyalkyl esters of acrylic or methacrylic acid) and monomer (b) (for example acrylonitrile, methacrylonitrile, styrene, vinyltoluene...).

A polymer film of the basecoat is first applied to the substrate, a clearcoat is then applied and finally both coating layers are baked together. The coating is used, in particular, to coat motor vehicles.

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2.2. Consequently, the subject matter of Claims 1-9 is not novel over the disclosure of D1.

3. Industrial applicability can be acknowledged for all the claims (1 9).

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VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Claims 1-3 are unclear, since monomers (a) and (b) can be the same. These claims therefore do not meet the requirements of PCT Article 6.
2. It is not clear whether Claims 3-7 are product or method claims. These claims therefore do not meet the requirements of PCT Article 6.